

F-2009-00003

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The James Madison Project
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NOT 01 2005

22 July 2007

Scott A. Koch
Central Intelligence Agency
Information and Privacy Coordinator
Washington, D.C. 20505

APPROVED FOR RELEASE ☐
DATE: 18-Aug-2010

Re: FOIA Request – Policy on Counsel’s Access

Dear Mr. Koch:

This is a request on behalf of The James Madison Project under the Freedom of Information Act, 5 U.S.C. § 552, et seq., for copies of all internal Central Intelligence Agency (“CIA”) documents constituting guidelines, regulations or policy memoranda pertaining to coordination with outside counsel representing CIA employees, including, but not limited to, the ability of outside counsel to meet with clients at CIA Headquarters without an official escort other than the client and the granting of security clearances to outside counsel for information relevant to the client’s interests. Additionally, please provide copies of all internal CIA documents pertaining to the enclosed letters which I submitted to the CIA, under the aegis of my former law firm and dated September 2004 and December 2004, seeking a clarification of this policy from Jo Bennett, then-Acting Chief for Litigation for the CIA, and John Rizzo, then-Acting General Counsel for the CIA. To date, I have not received any answers in response to those letters.

If you deny all or part of this request, please cite the specific exemptions you believe justifies your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. In excising material, please “black out” rather than “white out” or “cut out”.

“Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.”

James Madison, 1822

The James Madison Project

We are hereby requesting a waiver of all fees. The James Madison Project is a non-profit organization under the laws of the District of Columbia and has the ability to disseminate information on a wide scale. Stories concerning our activities have received prominent mention in many publications including, but not limited to, *The Washington Post*, *The Washington Times*, *St. Petersburg Tribune*, *San Diego Union Tribune*, *European Stars & Stripes*, *Christian Science Monitor*, *U.S. News and World Report*, *Mother Jones* and *Salon Magazine*. Our website, where much of the information received through our FOIA requests is or will be posted for all to review, can be accessed at <http://www.jamesmadisonproject.org>. Prior requests submitted by our organization have all received fee waivers.

Furthermore, there can be no question that the information sought would contribute to the public's understanding of government operations or activities and is in the public interest. Most of the CIA's regulations remain publicly unavailable, and the as-yet undisclosed basis behind this particular policy is no exception. Furthermore, given the undermining impact this policy has on the ability of outside counsel to provide effective advice to clients, detailing the rationale behind the policy is clearly in the public interest. Understanding the guidelines or memoranda that form the basis of this policy will clearly contribute to the public's understanding of government operations or activities.

Please respond to this request within 20 working days as provided for by law. Failure to timely comply may result in the filing of a civil action against your agency in the United States District Court for the District of Columbia. Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me at either (202) 498-0011 or my law office at (202) 454-2809.

Finally, please have all return correspondence addressed specifically to my attention to ensure proper delivery.

Sincerely,

Mark S. Zaid
Executive Director

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James Madison, 1822

FAX COVER SHEET

TO

FROM

Kel McClanahan (12406812189)

DATE

10/01/2008

COVER MESSAGE

Richard -

Here is the request we submitted on 7/22/07, then again on 4/18/08, and finally directly to Toni's attention (with confirmation) on 7/15/08. Please call me at 301-728-5908 when you track this request down.

Thank you,

Kel McClanahan